

Legislative Report- 3/2/2014

This Week in the General Assembly

With six days to go till the scheduled conclusion of the 2014 Regular Session, it appears certain that the House and Senate will fail to agree on the most vital piece of legislation the General Assembly considers: the budget. House Budget conferees have insisted the differences that separate the two chambers are miniscule (approximately \$26 million, or less than one-tenth of one percent of the total biennial budget). The House Republican leadership has called for the Senate to remove language creating Marketplace Virginia, a proposal that would provide premium assistance to a portion of Virginia's uninsured population which would enable them to purchase private health insurance. Both the Senate and Governor McAuliffe have argued that failure to close the coverage gap for uninsured Virginians costs the Commonwealth \$5 million a day, making the costs associated with not acting unacceptable. The sides are dug in, with each accusing the other of stooping to "Washington style politics" in order to win this high stakes legislative battle.

If the House and Senate conferees are unable to forge a compromise on the budget, the General Assembly will likely adjourn on March 8th and then go immediately into a Special Session focused on resolving the budget impasse (other legislative matters can be considered, such as the election of judges, but most observers expect the scope of the Special Session to be limited). A protracted budget standoff threatens funding for localities, teachers, public safety officers, and a myriad of other services. If the General Assembly fails to produce a budget before the start of the new fiscal year (July 1st), the state would experience an unprecedented shutdown.

In the wake of the scandal and subsequent federal indictment of former Governor Bob McDonnell and his wife, the issue of ethics reform has occupied a prominent role this session. The House and Senate are moving toward agreement on an ethics reform package. Senator Tommy Norment (R-James City County) and Delegate Todd Gilbert (R-Shenandoah County) are the patrons of SB 649 and HB 1211. These bills create an Ethics Advisory Council to oversee Virginia's disclosure system. These measures also place a \$250 cap on tangible gifts from lobbyists and anyone with business before the state (entertainment and meals as well as travel for educational purposes are not included in this cap figure). The slight differences between these two bills will be resolved by a conference committee. Governor McAuliffe will also have an opportunity to offer amendments to these ethics reform packages.

Legislation of Interest

The majority of legislation of interest to VUHCC members has already been acted on. The following are the bills still under consideration:

The House Republican Caucus Transportation Package:

The Senate Transportation Committee voted unanimously to report HB 2 patroned by Delegate Chris Stolle (R-Virginia Beach) and HB 1098 sponsored by Delegate Rich Anderson (R-Prince William County). HB 2 provides that funding allocations for the Northern Virginia Highway Construction District and the Hampton Roads Highway Construction District be made by giving priority to the projects expected to provide the greatest congestion reduction relative to the cost of the project (the funding allocations for the seven other highway construction districts would be made by giving priority to the projects expected to provide either congestion relief or promote economic development). HB 1098 requires the Secretary

of Transportation and VDOT to establish a smart transportation pilot zone to test state-of-the-art smart road technology. HB 1183 sponsored by Delegate Barbara Comstock (R-Fairfax County) did not fare as well as the other two portions of the House Transportation package. The Senate Transportation Committee rejected Delegate Comstock's measure on a 10-5 vote. HB 1183 would have renamed the Joint Commission on Transportation and would have authorized the newly constituted entity to advise the CTB on matters pertaining to transportation policy, innovation, technologies, and traffic congestion relief strategies. The Senate Committee members saw the name change as unnecessary, and were not sure that refocusing the responsibilities was in keeping with the original purpose of the Commission.

Stormwater Management:

Delegate Keith Hodges (R-Urbana) and Senator Emmett Hanger (R-Augusta County) are the patrons of HB 1173 and SB 423, respectively. Both measures are nearly identical. They allow any locality that does not operate a municipal separate storm sewer system (MS4) to opt out of establishing Virginia Stormwater Management Programs (VSMP). The Department of Environmental Quality (DEQ) will operate a VSMP on behalf of any locality that does not operate a regulated MS4 – these are mostly rural localities. The bills defer the VSMP requirement for six months for certain localities that became a regulated MS4 on or after January 1, 2014. The bills alter the permitting appeals process and allows for an agreement in lieu of a stormwater management plan. Both bills direct the State Water Control Board to adopt regulations relating to the issuance of permits for parcels in subdivisions and the registration of single-family residences. The bills also provide that the consolidation of state post-construction requirements into Virginia's General Permit shall not modify the scope of enforcement of the federal Clean Water Act and exempts from most requirements of the Administrative Process Act those regulations of the State Water Control Board that will be necessary to implement the act. Among the differences between the two bills, the Senate version exempts single-family residences from payment of DEQ's portion of the fee for the state general permit. Once the differences between the two measures are reconciled, the bills will become law upon the signature of the Governor due to the emergency clauses each bill currently has on them.

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Complete Bill List

Composite view

Bills	Committee	Last action	Date
HB 2 - Stolle - Commonwealth Transportation Board; statewide prioritization process for project selection.	(H) Committee on Transportation (S) Committee on Transportation	(S) Committee substitute printed 14105239D-S1	02/26/14
HB 3 - Cline - Transportation funding; all provisions of 2013 Session omnibus bill to expire on July 1, 2014.	(H) Committee on Finance	(H) Left in Finance	02/12/14
HB 27 - Cole - Vehicle weight limits; extensions apply also to interstates designated as state primary highways.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 32 - Morrissey - Minimum wage; increases wage from its current federally mandated level.	(H) Committee on Commerce and Labor	(H) Tabled in Commerce and Labor	02/04/14
HB 40 - Marshall, R.G. - Motor fuels tax rates; repeals provision that will increase tax, etc.	(H) Committee on Finance	(H) Left in Finance	02/12/14
HB 41 - Marshall, R.G. - Northern Virginia Transportation Authority; selection of projects.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 47 - Kory - Hybrid electric motor vehicles; repeals annual license tax, refunds.	(H) Committee on Finance	(H) Left in Finance	02/12/14
HB 58 - Hodges - Stormwater management programs; clarifies appeals process for persons subject to permit requirement.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Incorporated by Agriculture, Chesapeake and Natural Resources (HB1173-Hodges)	01/29/14
HB 67 - Ramadan - Commonwealth Transportation Board; increases total membership.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 68 - Marshall, D.W. - Transportation funding; date change on certain scheduled increases in sales and use tax revenue.	(H) Committee on Finance	(H) Left in Finance	02/12/14
HB 70 - Marshall, D.W. - Transportation Accountability, Joint Commission on; power and duties.	(H) Committee on Rules	(H) Tabled in Rules	01/31/14
HB 72 - Pogge - Hybrid electric motor vehicles; eliminates annual license tax.	(H) Committee on Finance	(H) Left in Finance	02/12/14
HB 84 - Marshall, R.G. - Northern Virginia Transportation Authority; change in membership.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 87 - Cole - Transportation; Commonwealth priority of projects and funding.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 123 - Scott - Petroleum transport vehicles; amber warning lights allowed	(H) Committee on Transportation	(S) Signed by President	02/21/14

when parked or delivering products.	(S) Committee on Transportation		
HB 145 - Hugo - Commonwealth Transportation Board; removal of members by Governor.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 146 - Hugo - Commonwealth Transportation Board; increases membership.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 148 - Minchew - Motor vehicle sales and use tax; reduces sale price by value of any trade-in.	(H) Committee on Finance	(H) Continued to 2015 in Finance	02/03/14
HB 169 - Webert - Commonwealth Transportation Board; increases membership, terms of members.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 209 - Marshall, D.W. - Subdivision plats; localities may mandate submission of preliminary plats for tentative approval.	(H) Committee on Counties, Cities and Towns <hr/> (S) Committee on Local Government	(S) Constitutional reading dispensed (39-Y 0-N)	02/27/14
HB 213 - Marshall, D.W. - Salem Highway Construction District; additional transportation funding, report.	(H) Committee on Appropriations	(H) Left in Appropriations	02/12/14
HB 281 - Albo - Northern Virginia Transportation Authority; contracts.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 289 - Albo - Virginia Public Procurement Act; cooperative procurement.	(H) Committee on General Laws	(H) Continued to 2015 in General Laws	02/04/14
HB 290 - Albo - Virginia Public Procurement Act; competitive negotiation, job order contracting.	(H) Committee on General Laws	(H) Left in General Laws	02/12/14
HB 297 - Loupassi - Mechanics' liens; good faith performance by unlicensed contractors.	(H) Committee for Courts of Justice	(H) Left in Courts of Justice	02/12/14
HB 345 - Taylor - Motor fuels tax; alternative fuels.	(H) Committee on Finance	(H) Left in Finance	02/12/14
HB 346 - James - Public-Private Transportation Act of 1995; additional requirements for certain agreements.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 349 - James - Public-Private Transportation Act of 1995, etc.; comprehensive agreements.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 351 - James - Downtown Tunnel Construction Relief Grant Fund; established.	(H) Committee on Appropriations	(H) Left in Appropriations	02/12/14
HB 379 - Surovell - Commonwealth Transportation Board; changes composition of membership.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 415 - Scott - Truck cranes; permits authorizing operation over highways for those that exceed maximum weight.	(H) Committee on Transportation <hr/> (S) Committee on	(S) Signed by President	02/21/14

	Transportation		
HB 421 - Minchew - Virginia Public Procurement Act; competitive negotiation, term contracts for certain services.	(H) Committee on General Laws	(H) Left in General Laws	02/12/14
HB 509 - Scott - Specialized construction equipment; Commissioner of Highways may issue permits for operation.	(H) Committee on Transportation <hr/> (S) Committee on Transportation	(S) Signed by President	02/21/14
HB 528 - Hodges - Drainage ditch maintenance, etc.; use of revenue-sharing highway funds.	(H) Committee on Transportation	(H) Stricken at request of Patron in Transportation	01/21/14
HB 549 - Filler-Corn - Virginia Public Procurement Act; transportation construction services.	(H) Committee on General Laws	(H) Left in General Laws	02/12/14
HB 555 - Kory - Highway drains and culverts; localities to prohibit interfering with or impeding storm water runoff.	(H) Committee on Transportation	(H) VOTE: DEFEATED (37-Y 61-N)	02/11/14
HB 560 - Fariss - Land use permits; issued by VDOT to a company providing utility service solely for agricultural use.	(H) Committee on Transportation <hr/> (S) Committee on Transportation	(H) VOTE: ADOPTION (96-Y 1-N)	02/26/14
HB 626 - Watts - Highway systems; allocation of funds.	(H) Committee on Appropriations	(H) Left in Appropriations	02/12/14
HB 635 - LaRock - Northern Virginia Transportation Authority; use of revenues.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 653 - LaRock - Northern Virginia Transportation Authority; allocations.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 658 - LaRock - Northern Virginia highway construction district; CTB allocations.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 662 - Brink - Commercial driver's licenses, etc.; compliance with federal requirements.	(H) Committee on Transportation <hr/> (S) Committee on Transportation	(S) Signed by President	02/21/14
HB 769 - Hugo - Virginia Public Procurement Act; project labor agreements by certain state agencies.	(H) Committee on General Laws	(H) Left in General Laws	02/12/14
HB 787 - LeMunyon - Virginia Freedom of Information Act; application to the State Corporation Commission, exemptions.	(H) Committee on Commerce and Labor	(H) Tabled in Commerce and Labor	02/06/14
HB 793 - LeMunyon - Transportation planning; VDOT to estimate costs necessary to mitigate or ameliorate congestion.	(H) Committee on Transportation <hr/> (S) Committee on Local Government	(S) Signed by President	02/27/14
HB 824 - Minchew - Northern Virginia Transportation Authority; bonding authority not effective until July 1, 2018.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 870 - Yancey - New infrastructure; tax credit for certain investment.	(H) Committee on Finance	(H) Continued to 2015 in Finance	01/27/14

HB 884 - Yancey - Virginia Infrastructure Grant Fund; established.	(H) Committee on Counties, Cities and Towns	(H) Left in Counties, Cities and Towns	02/12/14
HB 937 - Surovell - Virginia Freedom of Information Act; application to the State Corporation Commission, exemptions.	(H) Committee on Commerce and Labor	(H) Tabled in Commerce and Labor	02/06/14
HB 946 - Hugo - Workers' compensation; fee schedule for medical care services, prompt payment of bills.	(H) Committee on Commerce and Labor	(H) Continued to 2015 in Commerce and Labor	02/06/14
HB 948 - Filler-Corn - VA Public Procurement Act; competitive negotiation, limitation of certain term contracts, exception.	(H) Committee on General Laws <hr/> (S) Committee on General Laws and Technology	(S) Signed by President	02/26/14
HB 1036 - Joannou - State Corporation Commission; availability of records.	(H) Committee on Commerce and Labor <hr/> (S) Committee on Commerce and Labor	(S) Passed Senate (40-Y 0-N)	02/27/14
HB 1048 - Rust - Highway systems; funding.	(H) Committee on Transportation <hr/> (S) Committee on Transportation	(S) Signed by President	02/21/14
HB 1058 - Kilgore - Workers' compensation; payments for medical services, liability of employer.	(H) Committee on Commerce and Labor	(H) Left in Commerce and Labor	02/12/14
HB 1095 - Peace - Innovation and Technology Transportation Fund; created, report.	(H) Committee on Appropriations <hr/> (S) Committee on Finance	(H) Bill text as passed House and Senate (HB1095ER)	02/27/14
HB 1098 - Anderson - Smart transportation pilot zone; STO and VDOT shall establish zone to test certain road technology.	(H) Committee on Transportation <hr/> (S) Committee on Transportation	(S) Reported from Transportation (14-Y 0-N)	02/26/14
HB 1100 - Yancey - CTB Six-Year Improvement Program; requirements.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 1136 - Joannou - Public-Private Transportation Act of 1995; General Assembly approval of schedule of tolls and fees.	(H) Committee on Transportation	(H) Left in Transportation	02/12/14
HB 1183 - Comstock - Virginia Transportation Solutions Working Group; name change.	(H) Committee on Transportation <hr/> (S) Committee on Transportation	(S) Passed by indefinitely in Transportation (10-Y 5-N)	02/26/14
HB 1194 - James - Small Business and Supplier Diversity, Department of; establishment of state purchasing program.	(H) Committee on General Laws	(H) Left in General Laws	02/12/14
HB 1208 - Albo - Virginia Public Procurement Act; consideration of early payment discounts.	(H) Committee on General Laws	(H) Continued to 2015 in General Laws	02/04/14
HB 1223 - Yancey - Virginia Public	(H) Committee on General Laws	(H) Continued to 2015 in	02/04/14

Procurement Act; small, women, and minority-owned businesses.		General Laws	
HB 1238 - Gilbert - Virginia Public Procurement Act; disclosure of cost estimates in solicitations prohibited.	(H) Committee on General Laws	(H) Continued to 2015 in General Laws	02/04/14
HB 1253 - Jones - Hampton Roads Transportation Accountability Commission; created.	(H) Committee on Transportation <hr/> (S) Committee on Transportation	(S) Reported from Transportation with amendments (15-Y 0-N)	02/26/14
HB 1254 - Marshall, R.G. - Northern Virginia Transportation Authority; use of revenues.	(H) Committee on Appropriations	(H) Left in Appropriations	02/12/14
HJ 42 - Villanueva - Transportation; Joint Legislative Audit and Review Commission to study equity of funding.	(H) Committee on Rules	(H) Continued to 2015 in Rules	01/31/14
HJ 122 - LeMunyon - Statewide transportation technology goals and plan of action; VDOT, et al., to create, report.	(H) Committee on Transportation <hr/> (S) Committee on Rules	(S) Agreed to by Senate by voice vote	02/25/14
SB 26 - Alexander - Public comment and transparency; presentation of proposals to Committees of the General Assembly.	(S) Committee on Transportation	(S) Stricken at request of Patron in Transportation (14-Y 0-N)	01/22/14
SB 127 - Newman - Hybrid electric motor vehicles; repeals annual license tax.	(H) Committee on Finance <hr/> (S) Committee on Finance	(G) Approved by Governor-Chapter 14 (effective 7/1/14)	02/27/14
SB 159 - Miller - Hybrid electric motor vehicles and alternative fuel vehicles; repeals annual license tax.	(S) Committee on Finance	(S) Incorporated by Finance (SB127-Newman) (15-Y 0-N)	01/15/14
SB 165 - Locke - Public-Private Transportation Act of 1995; additional requirements for certain agreements.	(S) Committee on Transportation	(S) Stricken at request of Patron in Transportation (10-Y 0-N)	01/22/14
SB 174 - Black - Virginia Public Procurement Act; competitive negotiation, term contracts for certain services.	(S) Committee on General Laws and Technology	(S) Passed by indefinitely in General Laws and Technology with letter (10-Y 0-N)	01/13/14
SB 221 - Petersen - Hybrid electric motor vehicles; eliminates annual license tax.	(S) Committee on Finance	(S) Incorporated by Finance (SB127-Newman) (15-Y 0-N)	01/15/14
SB 292 - Lucas - Downtown Tunnel Construction Relief Grant Fund; established.	(S) Committee on Finance	(S) Passed by indefinitely in Finance (12-Y 2-N)	01/28/14
SB 402 - McDougle - Truck cranes; permits authorizing operation over highways for those that exceed maximum weight.	(H) Committee on Transportation <hr/> (S) Committee on Transportation	(S) Signed by President	02/27/14
SB 461 - Vogel - VA Public Procurement Act; competitive negotiation, limitation of certain term contracts, exception.	(H) Committee on General Laws <hr/> (S) Committee on General Laws and Technology	(H) Read second time	02/27/14
SB 505 - Wagner - Natural gas; incentives	(S) Committee on Finance	(S) Continued to 2015 in	02/04/14

for expanded use as transportation fuel, report.		Finance (17-Y 0-N)	
SB 506 - Wagner - Hybrid electric motor vehicles; eliminates annual license tax.	(S) Committee on Finance	(S) Incorporated by Finance (SB127-Newman) (15-Y 0-N)	01/15/14
SB 511 - Wagner - Commonwealth Transportation Board; composition.	(S) Committee on Transportation	(S) Passed by indefinitely in Transportation (7-Y 5-N 1-A)	01/15/14
SB 513 - Wagner - Hampton Roads Transportation Authority; created.	(H) Committee on Transportation <hr/> (S) Committee on Transportation	(H) VOTE: PASSAGE (79-Y 20-N)	02/27/14
SB 518 - Wagner - Highway systems; funding.	(H) Committee on Transportation <hr/> (S) Committee on Transportation	(H) VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)	02/27/14
SB 565 - Cosgrove - Commercial driver's licenses, etc.; compliance with federal requirements.	(H) Committee on Transportation <hr/> (S) Committee on Transportation	(S) Bill text as passed Senate and House (SB565ER)	02/26/14
SB 632 - Lucas - Small Business and Supplier Diversity, Department of; establishment of state purchasing program.	(S) Committee on General Laws and Technology	(S) Passed by indefinitely in General Laws and Technology with letter (13-Y 0-N)	01/27/14
SB 645 - McEachin - Virginia Public Procurement Act; transportation construction services.	(S) Committee on General Laws and Technology	(S) Passed by indefinitely in General Laws and Technology with letter (13-Y 0-N)	01/27/14
SB 664 - Petersen - Agreements as to compensation; Commissioner of Highways' decisions to be reasonable, not arbitrary.	(S) Committee on Transportation	(S) Continued to 2015 in Transportation (15-Y 0-N)	01/22/14
SJ 65 - Obenshain - Constitutional amendment; Transportation Funds.	(S) Committee on Privileges and Elections	(S) Continued to 2015 in Privileges and Elections (14-Y 0-N)	01/14/14
SJ 72 - Wagner - Transportation; Joint Legislative Audit and Review Commission to study equity of funding.	(S) Committee on Rules	(S) Continued to 2015 in Rules	01/17/14